

S.B. Civil Writ Petition NO.2338/2005
M/s. Anmol Granites
vs
M/s. Dev Granites & Stone Suppliers & Anr.

DATE OF ORDER : - 20.4.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.CS Kotwani, for the petitioner.

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Heard learned counsel for the petitioner.

It appears that the petitioner's evidence was closed by the order of the trial court dated 28th Sept., 2004. The petitioner submitted application not on next date, but thereafter, on 8.10.2004 for permission to take affidavit of the witnesses of the petitioner on record. The trial court rejected the petitioner's application for taking on record the affidavit of the witnesses of the petitioner and refused further opportunity to produce evidence vide order dated 6.4.2005.

Now the case is fixed for final arguments.

Whether there was sufficient cause for grant of further time to the petitioner can be examined by the appellate court as now the matter is fixed for final arguments and looking to the totality of the facts of the case, this Court is not inclined to interfere in the impugned

order. However, the petitioner shall have liberty to challenge the impugned order in appeal, in case, any occasion arises for the petitioner to do so.

Hence, the writ petition of the petitioner is dismissed with liberty.

(Prakash Tatia), J.

c.p.goyal/-